



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Michl et al.

Examiner: Harris, Alana M.

Serial No.: 10/542,239

Group: 1643

Filed: March 3, 2006

Docket: 1181-8 PCT US

For: **PANCREATIC CANCER
ASSOCIATED ANTIGEN,
ANTIBODY THERETO,
AND DIAGNOSTIC AND
TREATMENT METHODS**

Dated: January 30, 2008

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

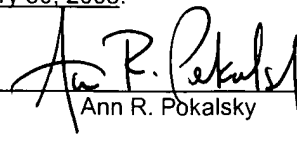
Dear Sir:

In response to the Restriction Requirement of October 31, 2007, setting forth a requirement for restriction, and in accordance with the provisions of 37 C.F.R. §§ 1.111 and 1.143, Applicants elect, with traverse, the subject matter of Group I, claims 1-3, 23 and 24, drawn to a pancreatic carcinoma-specific 3C4-Ag.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 30, 2008.

Dated: January 30, 2008

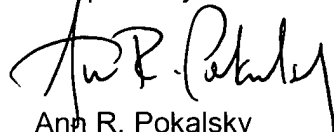

Ann R. Pokalsky

Applicants traverse the restriction requirement for the following reasons. The position of the Examiner is that the special technical feature recited in claim 1, a pancreatic carcinoma-specific antigen 3C4-Ag, is disclosed in Hannan et al., *Molecular Biology of the Cell* 13:137A, November 2002 (reference A in Applicants' IDS of December, 2006). The Hannan et al. reference however, is a description of Applicants' own work and was not published more than one year before the priority date of the present application, January 17, 2003. One's own invention, whatever the form of disclosure to the public, may not be prior art against oneself, absent a statutory bar. *In re Facius*, 408 F.2d 1396, 1406, 161 USPQ 294, 302 (CCPA 1969), *cited with approval in In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982). Applicants will submit a Katz declaration under 37 C.F.R. §1.132 if required by the Examiner in order to withdraw the restriction requirement.

Thus, it is submitted that the technical feature recited in claim 1 is special and that therefore the groups are linked to form a single general concept under PCT Rule 13.1. Reconsideration and withdrawal of the restriction requirement, and examination of all claims is respectfully requested.

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Respectfully submitted,



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